

## REMARKS

### I. Status of the Claims

Claims 31-65 and 83-92 are pending in this application, of which Claims 31, 37, 43, 48, 54, and 60 are in independent form. The independent claims have been amended to recite that the printing is of a customizable image on a non planar surface of a sugar shell or a jellybean, with the image printed having a resolution of about 200 dpi or greater in the manufacture of personalized sugar shell candy or jelly beans. No new matter has been added, support for the amendments being found, for example, at page 5, lines 12-30 and page 20, lines 5 to 10 of the specification as originally filed and in original claim 75. Claims 88-92 are newly added and recite that the customizable image is a personalized message. Support may be found at page 11, lines 10-14. Reconsideration of the amended claims is respectfully requested.

### II. Rejections Over Prior Art

In the prior office action, all of the pending claims were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0008751 ("Spurgeon") in view of U.S. Patent No. 6,267,997 B1 ("Ream"). The status of Ream as prior art under 35 U.S.C. § 102(e) is assumed for purposes of this response, but not conceded.

Applicants would like to thank the Examiner for the kind courtesy of the interview on March 23, 2006. The Examiner agreed that the amendments made herein clearly overcome the art of record. Accordingly, it is respectfully submitted that the rejections based on Sprugeon in view of Ream is now moot.

### III. Advantages of the Invention

As discussed at the Examiner interview, an important aspect of the present invention is the input of the individual consumer in the manufacture of personalized confectionery products decorated with high resolution ink-jet printed images (see page 5, lines 24-25). As presently claimed, the system involves either a sugar shell candy substrate (such as M&M'S® Milk Chocolate and Peanut Chocolate Candies) or jellybean substrate. These substrates have non-planar shapes and surface characteristics that render them difficult to print on, and as a result the consumer has not conventionally been able to participate in the design of such products. Moreover, the printer is a high resolution ink-jet printer, which has not been used to print such products.

In addition, as discussed at the Examiner interview the “m” that is traditionally found on M&M's® Milk Chocolate Candies is not a customizable image that is selected by a consumer to make a personalized sugar shelled candy. To the contrary, the “m” is placed in the candies using rotogravure printing.

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Copies of the listed documents are also enclosed.

### CONCLUSION

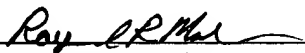
It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

For at least the foregoing reasons, applicants submit that the claims as amended are allowable over the art of record and respectfully request that the application be passed to issue.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our address given below.

Respectfully submitted,

  
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